



United States Department of Agriculture

September 25, 2019

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

Delivered via Electronic Mail

Mr. Sai
C/O MuckRock News
DEPT MR 78486
411 Highland Avenue
Somerville, MA 02144-2516
Email: 78486-60502961@requests.muckrock.com

**RE: Freedom of Information Act (FOIA) Request 2019-DA-06209-F
Final Response**

Dear Mr. Sai,

This is the Departmental FOIA Office's (DFO's) final response to the above-referenced FOIA request, which sought:

A. Chief FOIA Officers' desktops, I hereby request:

1. for the component's
 - a) Chief FOIA Officer,
 - b) Chief Privacy Officer, and
 - c) any substantially equivalent component official ("Officer"):
2. the entire content of
 - a) the Officer's physical desktops, i.e. everything on the actual desk(s) where they work
 - I) including all other office surfaces, e.g. cabinets, tables, in/out boxes, shelves, etc in the Officer's office(s)
 - II) excluding:
 - i) computers (including desktop, laptop, and phone);
 - ii) USB drives;
 - iii) generic office supplies, i.e. any item that could be purchased off the shelf at a store such as Office Depot in identical form by a member of the general public;
 - iv) tear-off daily flip calendars;
 - v) purely personal capacity items;
 - vi) keys;
 - vii) anything within a fully enclosed hard sided container (e.g. exclude the contents of a desk / cabinet drawer, lockbox, or picture frame — but envelopes laying on a desk [and their contents],

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- items in open-ended organizers, etc are not excluded);
- viii) books or hard-bound booklets, except for the front and back covers; and
- ix) CDs or DVDs, except for the label (i.e. what is captured when you place the disc on a flatbed scanner); and

b) the Officer's computer desktop(s), i.e. the "desktop folder" of their account on every computer that they use in official capacity

- I) in the exact original file format as stored on the computer, encapsulated into a .ZIP or .TAR.GZ archive set to preserve all metadata and folder structure;

B. all records relating to the fulfillment of this request, such as FOIA logs, documentation of searches, referral emails, etc.

C. all records relating to any complaint(s), FOIA request(s)/appeal(s), and/or Privacy Act request(s)/appeal(s) made by me. This includes, but is not limited to:

- 1. all records relating to the processing my previous requests, complaints, etc;
- 2. all records containing the terms my name, email address(es), and other contact or identifying information, listed below my signature; and
- 3. all records containing any of my complaint, request or appeal identifiers.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

Part A is not a proper FOIA request. It requires the creation of records, and agencies are not required to respond to requests by creating records.

With regard to Part B, since no records were maintained by the agency at the time of the search, the DFO is unable to provide any responsive records.

As for Part C, you did not identify any “any complaint(s), FOIA request(s)/appeal(s), and/or Privacy Act request(s)/appeal(s)” that you might have made to any part of USDA. You were asked for additional information to clarify this part of the request, but none was provided. The DFO, nonetheless, conducted a search of its case management system, FOIAxpress, to identify any previous requests or appeals you might have previously submitted to this office. Records totaling thirty (30) pages were identified as responsive and are being released in full.

You may appeal this response by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90-calendar day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking

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number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

You may seek dispute resolution services from the DFO's FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Ms. Angela Henderson at (202) 694-1802, or electronically at Angela.Henderson@usda.gov or USDAFOIA@ocio.usda.gov. For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dms.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer

Enclosures: Part C Responsive Records (30 pages)